## **DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

## PDA DIAGNOSIS OF THERMOSTATS

The speci	fication of which					
(check	X is attached here	eto				
one)	was filed on _			as		
	Application Serial No	D				
	and was amended on			•		
		(if appli	cable)			
	hereby state that I have the claims, as amended			f the above-ide	entified speci	fication,
	acknowledge the duty tance with Title 37, Code			to the examina	ation of this	application
	hereby claim the benefin(s) as listed below:	t under Title 35, U	nited States Code, §1	19(e) of any U	nited States	provisional
Provision	al Application No		filed on		_	
applicatio	hereby claim foreign pr n(s) for patent or inventor n for patent or inventor's claimed:	or's certificate liste	d below and have also	identified bel	low any fore	ign
Prior Foreign Application(s)			PriorityClaimed			
(Numl	per) (Co	ountry)	(Day/Month/Y	ear Filed)	Yes	No
listed belo prior Unit §112, I ac Regulatio	hereby claim the benefit ow and, insofar as the su ed States application in knowledge the duty to d ins §1.56(a) which occur nal filing date of this app	bject matter of eacl the manner provide lisclose material inf red between the fil-	n of the claims of this ed by the first paragra formation as defined i	application is ph of Title 35, n Title 37, Co	not disclose United State de of Federa	d in the es Code l
(Applicat	ion Serial No.)	(Filing Date	e) St	atus (patented	l, pending, al	pandoned)

Address all correspondence to GREGORY M. ANSEMS at Customer Number 000128.

(Reg. No. 42,264). Address all telephone calls to GREG ANSEMS at telephone number (763) 954 -5387.

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith BRIAN N. TUFTE (Reg. No. 38,638), JOHN G. SHUDY, JR. (Reg. No. 31,214), JAMES RODGERS (Reg. No. 48,306), MARK SCHROEDER (Reg. No. 53,566), J. SCOT WICKEM (Reg. No. 41,376), GLENN SEAGER (Reg. No. 36,926), DAVID CROMPTON (Reg. No. 36,772), KRIS T. FREDRICK (Reg. No. 42,554), MATTHEW LUXTON (Reg. No. 41,960) and GREG ANSEMS

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole or First Inventor	Paul C. Wasker				
	Paul C. Wacker		, 2003		
Residence					
Citizenship					
Post Office Address					
	Plymouth, Minnesota 55442				
Full Name of Second Joint Inventor, If Any	Richard A. Wruck				
Inventor's Signature		Date	, 2003		
Residence	Mount Prospect, Cook County				
Citizenship	US	H-21			
Post Office Address	13 South William St.				
	Mount Prospect, Illinois 60056				

## \*Title 37, Code of Federal Regulations §1.56:

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
  - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
  - (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.